IN THE COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1639 OF 2006

Shri Panditrao Madhavrao Patil ...Petitioner
(Orig.Defnd)

vs.

Sou.Sadhana Anil Katariya & Anr. ...Respondents
(Orig.Plffs)

Ms.P.P.Tendulkar for the petitioner.

CORAM: S.C.DHARMADHIKARI, J.

DATE ; 23RD FEBRUARY, 2007.

P.C :-

1. Heard Ms.Tendulkar appearing for the Petitioner. Perused the orders passed by the Courts below on Application (Exhibit 5) for interim reliefs

2. The courts below have concurred and held that

prima-facie the Respondent Plaintiff has proved his possession in respect of the suit premises. This finding is based upon the documents produced at the inter-locutory stage. I am therefore unable to accept the contention of the Petitioner that the tentative and prima-facie findings require interference by this court in its jurisdiction under Article 227 of the Constitution of India. More so, when no perversity or error apparent on the face of record is disclosed. Petition is summarily dismissed.

3. However, it is clarified that all observations of the courts below are tentative and prima-facie and shall not affect the outcome of the suit, which would be decided on its own merits and in accordance with law.

sd/-

(S.C.DHARMADHIKARI, J)